C. F. 75.

1925

Department of Defence

OFFICE Rabaul

STATION Rabaul

No.	1872
Dated	22.8.25

To whom sent		Date	Initial.
	Given for copying		
	Copied		
	Examined	12-NOV 24 8	
	Signed		
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(SUBJECT.)

Visit Honeside (Kokia) Kanakas
Wash — Refuses. Rotts in Conclusion

* Not to be filled in the case of permanent records.

B 2858

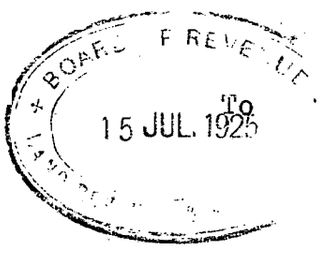
R.O.C.No.5160-25-A6. South Kanara Collector's Office,

Mangalore, 10th July 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Assignment - Housesites - South Kanara - Karkal Town - Government clerks and peons - Issue of pattas - Conditions to be imposed.

G.O.Nos.1881 Mis.Rev. dated 19th August 1925 communicated with B.P.No.964 Mis.Land Revenue dated 29th August 1921. B.P.No.809 Mis.Land Revenue dated 15th June 1917.

****

In the orders quoted above, assignments of lands near the Taluk office building at Karkal for house-sites at --------- favourable rates were sanctioned to the Government clerks and -- peons and menials stationed at Karkal free of site value. In the case of grants to be made to clerks the Government have ---- directed that the grants should be subject to the conditions --- noted in the margin, while the grants sanctioned to the peons -- and menials are not subject to such conditions.

(1) The land shall not be alienated ----- without the previous sanction of the Collector who shall permit alienation only by a Government official transferred from Karkal and in favour of Government officials stationed at --- Karkal.

(2) In the event of the acquisition of -- any portion of the land by the ------ Government the compensation payable - shall not exceed the initial cost or the value at the time of acquisition, whichever shall be less, of the ----- buildings erected on the land at the cost of the assignees.

2. In the case of grants made to the peons of the -- Karkal Taluk office under B.P.No.809 Mis. dated 15th June 1917, quoted above ------ instances have come to light of the --- alienations of the plots to persons other than the members of -- the Taluk Establishment under the conditions given in the form

of patta to be granted in respect of the town sites assigned under B.S.O.No.21. No action can be taken against the --- grantees for such alienations. In one case my predecessor has held that the alienation of the town site granted under B.S.O.No.21 is not invalid under the strict letter of the patta.

3. The Divisional Officer, Coondapoor states that the grants of town sites to clerks and peons of the Taluk office come under the category of favourable grants on the ground that the market value for the occupancy right is --- waived and the ground rent is lowered below the minimum --- rate prescribed by para 12 of B.S.O.No.21, and therefore --- recommends that it would be desirable to prohibit the ----- alienation of the land to persons other than the members of the Establishment of the Karkal Taluk office, in order to -- prevent undue advantage of the grant being taken. I agree -- with him. I accordingly recommend that the conditions --- imposed by Government in G.O.No.1881 Mis.Rev. dated 19th --- August 1925 in respect of the grants to clerks may also be made applicable to the grants already made to or to be ---- made to the peons. A further proviso that alienation ---- without the previous consent in writing of the Board (or of the Collector if the Board delegates the authority) to a -- person other than a Government official stationed at Karkal shall invalidate the grant, may also be inserted in the ---- patta as the patta would be improved by the insertion of -- this proviso.

our obedient servant,

13.7.25

C o l l e c t o r.

M.D'S.10/7.

DIST. RECD 13 JUL 1925

3

Subject.—

R. F. XXII-A-10.—18,003—12-12-24.

FOR MEMBER

Hsg Horse rites (S. Kacca)
Kaikal dg & town — Sat peons —
Patta - Conditions.

READ AGAIN B.P No. _____ dated _____ 192

" _____ " " _____ 192

READ ALSO :—

Register No _____ ; From the B 28581 , No. 2 , dated _____ 192

" " _____ " " _____ " _____ 192

" " _____ " " _____ " _____ 192

RESOLUTION. Pers. No. 872, dated 228 1925

The Bd accepts the Colrs proposal to insist in the patta issued in the case of assignments to peons, under B.C. 809 Pers. d. 15.6.17, the conditions prescribed in G.O. No 1881. Cav Pers. d. 19.8.21, and the additional condition now suggested by him; but as regards grants already made the additions to the patta can only be made if the assignees agree.

(E)

The Colr of S. Kacca — Inc

(Pro)

C.F. 17-a—2-14.

4

OFFICE NOTE.

Subject.

Assignment House sites - (S. Kanara). Kankal Tq & 4 towns. Govt. Clerks & peons. Issue of patta. Conditions.

From

The Coll. of S. Kanara.

B Register No. 2858.

To A.S.

In 1916, the Coll. of S. Kanara made certain proposals for housing Govt. clerks & peons, which were to the effect that some lands should be sold privately (instead of at a con- (by auction) cession rate to persons who undertook to construct houses within 12 months, suitable for residence of taluk officials and that some lands should be assigned on patta to the peons free of site value but subject to forfeiture. The Govt. approved the proposals in B.G. No. 809 15.6.17.

In 1921 the Coll reported that only one could be formed would consent to take the ld and build suitable residences for taluk Officials, and proposed to assign the lands to the clerks free of initial payment but subject to foundation, and to conditions regarding alienations. The Bd supported the Colls proposal & Govt sanctioned it in G.O. 1881. Ms Rev dt 19.8.21.

(M)

(N)

(O)

2. So the assignment sanctioned to the peons in B.P. m 809/17. was without any conditions; but that sanctioned for the Clerks in G.O.m/1881./21. was subject to the 2 conditions viz specified in the margin of the Colls letter

(P)

(Q)

The Coll now proposes to extend the restrictions to the grants made or to be made to the peons.

There is no objection to insert the conditions in the pattas to be issued hereafter. But to insert them in the pattas already granted seems to be possible only if the assignees consent.

~~For orders if it is to be insisted upon for grants already made to pecrs.~~

3/. The Coll proposes the insertion of a further condition that alienations contrary to the above condn of the patta shall invalidate the grant. It is not clear whether this proposed addition is to be for both grants & for clerks and peons.

This addition merely reiterates the already existing condition; and does not seem quite necessary for orders (condition (1) in (N)) restricting alienation. It is in accordance with the condition prescribed in the case of assignment to the depressed classes under Rso 15 para 38 which lays down that if the land is alienated ... the grant will be liable to be resumed." There would appear to be no objection to the insertion of additional condition in the words up to in Rso 15 para 38. The condition in the pattas to be issued to clerks and peons in future and also in the old pattas already issued with the consent of the assignees.

(*) "If the Site is alienated without the previous consent in writing of the Collr the grant will be resumed by the Govt who will be entitled to receive & take possession of the Site."

Even in this additional condition the Collr's permission for the alienation seems sufficient as in condition (1) in fo (N) (There is no need for the BD's consent as suggested by the Collr). As Govt sanctioned the proposal in the case of the Taluk clerks the additional condition in their case has to be reported to Govt for approval. The proposal

7

In the case of the peons can, it seems, be approved by the Board itself, as the Coll himself has power to waive initial payment in the case of poor applicants (peons) for orders

Bso 21-14(ii)(1)

Secy

The Coll's proposals may be submitted forthwith the Board's support

The Coll's permission for alienation to other than Govt officials, may be considered suppl. No necessity for such cases to come up to the Board

3/7

I can reconcile the statement that several grants to peons have been made under the 1917 orders with Mr Ellis' statement at p. 1 of (N).

3/7

To Secy

Submitted that Mr Ellis' statement at p. 1 of (N) refers only to two blocks I & IV while the allotment to peons acc. to Mr Vibert's proposals was in Block V.

p. 16 of (E)

Mr Wells' present letter shows that the scheme regarding grant of sites to peons from Block V was carried into effect.

p. 1 of

5/8

The proposal may be accepted but as regards grants already made, the addition to the patta can only be made if the parties agree

5/8

To A-S

Draft submitted

20/8/18

Please read the Colin's letter before drafting. No extra condition is required for clerks at all none is suggested. Redraft

21/8

To A-S

Revised draft submitted

22/8